

ATTORNEY DOCKET NO.: 381AS/42640RE  
PATENT



SECOND SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY  
REISSUE PATENT APPLICATION

As the below named inventors, we hereby declare that our citizenship, residence postal addresses and residences are as stated below; that we verily believe ourselves to be the original, first and joint inventors of the invention entitled:

AIR FLOW RATE CONTROL APPARATUS

the specification of which was filed on November 24, 1997 and included original U.S. Patent No. 5,868,114, issued February 9, 1999, and amendments thereto as required by 37 C.F.R. § 1.171 et seq.

We verily believe that, as provided in 37 C.F.R. § 1.175, the original U.S. Patent No. 5,868,114 is partly inoperative because we claimed less than we had a right to claim in the patent, as indicated in particular by the scope of the additional broader claims being submitted herewith as Claims 21-46. The assignee of this patent discovered the error and the need for broadened claim coverage upon reviewing the patent as stated in the Declaration filed May 8, 2001.

The errors include not claiming the combinations of the motor-driven throttle valve element, the throttle sensor and the control circuit provided on or in a cover provided with a connector as an interface to the outside or ambient surroundings, as set forth in Claim 21, as well as the claims dependent thereupon. Similarly, the errors include not claiming the combinations set forth in Claims 27, 35, 40, 47, 48, 49, 50, 51, 52 and 53, as well as the claims dependent thereupon. An error included not claiming the combination which includes the electrical connection aggregated into a single connector, the connector and terminal formed at the cover with the motor being electrically connected to the connector, and the cover accommodating the control circuit and forming a space together with the throttle body, respectively.

Any errors being corrected in this reissue application up to the time of filing of this Declaration arose without deceptive intent on the part of the applicants.

We continue to offer to surrender the original patent and/or provide an appropriate affidavit or declaration in the event the same is lost, upon the indication of allowability of the reissue patent application.

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We hereby state that we have reviewed and understand the contents of the above-identified Specification, including the Claims, as amended by any amendment referred to above. We acknowledge the duty to disclose information which is material to the  
tion of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (a).

We hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)		Priority Claimed	
<u>07-004673</u> (Number)	<u>Japan</u> (Country)	<u>17 January 1995</u> (Day/Month/Year)	<u>Yes</u>
<u>07-006189</u> (Number)	<u>Japan</u> (Country)	<u>19 January 1995</u> (Day/Month/Year)	<u>Yes</u>

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 (a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/969,708</u> (Application Serial No.)	<u>November 24, 1997</u> (Filing Date)	<u>U.S.P. 5,868,114</u> <u>for which this is</u> <u>reissue appln.</u> (patented Feb. 9, 1999).
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We hereby appoint as principal attorneys:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; Jeffrey D. Sanok, Reg. No. 32,169, to prosecute and transact all business in the Patent and Trademark Office connected with this application and any related United States and international applications. Please direct all communications to:

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We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Date

Kazuo Nagayama

Signature of 4<sup>th</sup> inventor

ASSIGNEE'S CONSENT

Hitachi, Ltd., Japan, assignee of the entire right, title and interest in and to U.S. Letters Patent No. 5,868,114, hereby assents to the filing of the attached application for reissue of said patent in accordance with 37 C.F.R. §1.172.

Hitachi, Ltd. Japan

October 4, 2002  
Date

By: \_\_\_\_\_

Yasuo Sakuta

Yasuo SAKUTA, Patent Attorney  
Typed Name: Executive Managing Director,  
Intellectual Property Group  
Title: (Authorized Signing Officer)